



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

September 2, 2021

VIA ELECTRONIC SERVICE

Ms. Janice Click, EH&S Manager
Felman Production, Inc.
4442 Graham Station Road
Letart, WV 25253
jclick@fpiwv.com

RE: CWA Section 308 Information Requirement

Dear Ms. Click:

The United States Environmental Protection Agency ("EPA") hereby requires that Felman Production, Inc. ("Felman" or "Respondent") provide certain information regarding Felman Production located at 4442 Graham Station Road, Letart, West Virginia 25253 ("Facility"). EPA requires this information as a part of its investigation of Felman's compliance with the Clean Water Act ("CWA"), 33 U.S.C. § 1251, and the regulations promulgated thereunder.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth therein, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Felman is entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that Felman asserts a claim of business confidentiality with respect to any document, Felman should provide EPA with a redacted version of the document which does not contain any claimed business confidential information and which can be distributed to the public if requested. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to Felman.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

EPA is cognizant of potential worker shortages due to the COVID-19 pandemic as well as the travel and social distancing restrictions imposed by both governments and corporations or recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19. The consequences of the pandemic may affect facility operations and the availability of key staff and contractors. Due to the uncertainty surrounding the COVID-19 public health emergency, we understand that Felman may not have complete information at this time. In that case, Felman should provide within 30 days a partial response with all available information and a detailed explanation of the circumstances that prevent Felman from providing a complete response. Felman shall then submit a final response when complete information is accessible. If Felman submits a partial response, please indicate that a complete response will follow.

If you have any factual questions concerning this information request, please contact Ms. Amanda Pruzinsky at (215) 814-5456.

Sincerely,

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Brad Wright, WVDEP (Brad.M.Wright@wv.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of:	:	
	:	
	:	Proceeding under Section 308 of the
	:	Clean Water Act, 33 U.S.C. § 1318
Felman Production, Inc.	:	
4442 Graham Station Road	:	
Letart, West Virginia 25253	:	
	:	
	:	
	:	
	:	
	:	
	:	SECOND INFORMATION
	:	REQUIREMENT
Respondent	:	
	:	
	:	

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region III, who in turn has delegated it to the Chief of the Water Branch. EPA hereby requires Felman Production, Inc. ("Felman" or "Respondent") to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;

- c. any requirement under Section 308 of the CWA; and
 - d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
 4. You may assert a business confidentiality claim covering all or part of the information submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.
 5. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).
 6. This Information Requirement does not preclude EPA from performing inspections.

III. INSTRUCTIONS

7. Provide a separate narrative response for each question set forth below and for each subpart of each question.
8. Identify each answer with the corresponding number of the question and subpart to which it responds.
9. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
10. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
11. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
12. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a

corrected response.

13. Each submission pursuant to this request must be accompanied by the following certification and must be signed by a representative of Felman authorized to respond on behalf of that entity.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

Signed: _____

Title: _____

Date: _____

14. All information shall be submitted electronically within thirty (30) days of receipt of this Information Requirement to:

Amanda Pruzinsky
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region III
1650 Arch Street (3ED32)
Philadelphia, PA 19103-2029
Pruzinsky.Amanda@epa.gov

If you are unable to send requested documentation electronically, please contact Amanda Pruzinsky via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

15. If you have questions regarding this Information Requirement, you may contact Amanda Pruzinsky of the Enforcement and Compliance Assurance Division at Pruzinsky.Amanda@epa.gov or (215) 814-5456.

V. INFORMATION REQUIREMENT

The Respondent is hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

16. In Felman's first Information Requirement response dated September 9, 2020 regarding permit limit exceedances identified for the period July 1, 2015 through July 31, 2020, Felman stated that a new treatment package plant is being purchased and that "After the system is ordered, prep-work for the installation will begin. The system will be delivered December 2020 and will be operational March 2021... Training for site personnel and operation & maintenance by a qualified individual is required." Provide a narrative description of the

status of the new package plant, whether it is operational, and the status of training for site personnel, and all operation and maintenance techniques employed to run the package plant.

17. For the package plant identified in Paragraph 16, provide a detailed narrative description of the production areas/wastewater/stormwater to which the new package plant provides treatment. Does it treat all discharged pollutants, including metals? If not, is there secondary treatment at the facility to treat these pollutants?
18. For the package plant identified in Paragraph 16, above, provide a copy of the technical specifications, including hydraulic capacity, areas of treatment, treatment methods, etc. Does the package plant treat both wastewater and stormwater? If there are areas of the facility that are not treated by the package plant, please describe the areas, pollutants, and any best management practices or other treatment systems in place.
19. In Felman's first Information Requirement response dated September 9, 2020, Felman described the outfall locations and provided a site map. Please provide clarification as to whether stormwater, wastewater, and landfill leachate are mixing prior to being discharged to the Ohio River from Outfall 001 and if so, how, where, etc. In the first Information Requirement response dated September 9, 2020, Felman provided the following descriptions:
 - a. Outfall 101 "is the discharge from the small pond which receives stormwater from the plant area as well as from the administration building area. This pond also receives from the domestic wastewater treatment system."
 - b. Outfall LCH01 "is the permitted discharge from the landfill. It is permitted to discharge into the pond adjacent to the landfill."
 - c. Outfall 001 is "The stormwater from the area to the west of the road which bisects the property all flows to this location via a subsurface drainage system and surface swales. It also receives blow down water from the cooling tower and any washdown water intermittently generated in and around the plant. When there are heavy rains water collected in the pond adjacent to the land fill also flows from 201 via a small stream on the southeast side of the property to 001."

Provide clarification as to the areas where Outfall 101 and Outfall 001 are collecting stormwater flow and as to whether the discharge from Outfall 101 also flows to Outfall 001. Provide clarification as to whether "the domestic wastewater treatment system" referenced in the Outfall 101 description is the package plant identified in Paragraph 16.

20. In Felman's first Information Requirement response dated September 9, 2020, regarding landfill leachate within the disposal area, Felman was planning to "Implement full scale landfill leachate treatment" and "Conduct RO bench test and obtain results within 60 days. Submit landfill leachate temporary treatment plan: within 30 days from receiving the RO bench test results. WVDEP approval of treatment plan: 60 days. Implement full scale leachate treatment within 30 days from WVDEP approval and complete project within six (6) months from implementation." Provide a narrative description of the status of the landfill leachate treatment and training for site personnel, operation, and maintenance. Provide a copy of the technical specifications for the treatment process.
21. In Felman's first Information Requirement response dated September 9, 2020 regarding failure to remove calcium disilicate within two years of May 15, 2015, Felman stated that "The selected option to place the DiCal [calcium disilicate] into the landfill will be conveyed to the WVDEP and Felman will start implementing the project... Project implementation: 30 days. Project completion estimated within six (6) months from implementation." Provide a narrative description of the status of this project and any supporting documentation.

22. Attached is a spreadsheet with effluent exceedances identified in EPA's data systems for the period August 1, 2020 through June 30, 2021 and based on discharge monitoring reports (DMR) submitted by Felman. Please identify any additional effluent exceedance for the period of August 1, 2020 through June 30, 2021 not identified on the spreadsheet and provide a certification as to the accuracy of the spreadsheet and any additions pursuant to Paragraph 13.
23. For each exceedance identified in Paragraph 22, provide a detailed narrative description of the cause of the exceedance and any measure you have taken or intent to take to correct the exceedance or prevent future exceedances. Include completed or scheduled dates for each identified measure. If applicable, include noncompliance notifications submitted to West Virginia Department of Environmental Protection (WVDEP).
24. Provide copies of any documents identified in or in support of your responses to the above questions, including copies of DMRs for violations identified in Paragraph 21.
25. Provide any additional information related to violations that impact the current compliance status at the facility, other than those exceedances identified in Paragraph 21.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: September 2, 2021

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

ATTACHMENT 1

Effluent Limit Exceedances Report

WV0000426: FELMAN PRODUCTION INC, LETART, WV 25253

Monitoring Period Date Range: 08/01/2020 to 06/30/2021

Monitoring Period Date	Outfall	Parameter Description	Limit Type	DMR Value	DMR Value Unit	Limit Value	Limit Value Unit
8/31/2020	001	pH	INST MAX	9.82	SU	9	SU
8/31/2020	001	Aluminum, total recoverable	MO AVG	0.8515	mg/L	0.55	mg/L
10/31/2020	001	Coliform, fecal general	MO GEOMN	14832.5	#/100mL	200	#/100mL
10/31/2020	001	Coliform, fecal general	DAILY MX	24190	#/100mL	400	#/100mL
1/31/2021	001	Cadmium, total recoverable	DAILY MX	0.00088	mg/L	0.0006	mg/L
1/31/2021	001	Cadmium, total recoverable	MO AVG	0.00088	mg/L	0.0002	mg/L
6/30/2021	001	Cadmium, total recoverable	MO AVG	0.00031	mg/L	0.0002	mg/L
6/30/2021	001	Coliform, fecal general	MO GEOMN	384	#/100mL	200	#/100mL